IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R. No. 4096 of 2004

Decided on 21.09.2006

Ashwani Kumar

.....Petitioner

versus

Bhajan Kaur

.....Respondent

Coram: Hon'ble Mr. Justice Vinod K. Sharma

Present: Mr. P.S.Sarna, Advocate,
for the petitioner.

Mr. A.P.Bhandari, Advocate,
for the respondent.

Vinod K. Sharma, J.(oral)

The present revision petition has been filed against the order passed by learned Rent Controller, U.T. Chandigarh dismissing the application filed by the petitioner for removing the replications dated 19.10.2001 and 4.8.2002 from the file on the plea that the same have been wrongly placed on record, when the stay was in operation. The case of the petitioner was that the said replications were placed on record, even without the knowledge of the petitioner. Stand of the petitioner was that there were no zimini orders for taking these documents on record. Therefore, it has to be presumed that the same was even without the knowledge of the Court. The learned trial Court considered the matter in detail and has recorded the finding that even though there were no zimini orders taking the replications on record, the documents bear the signatures of learned Rent Controller as well as the papers have been page marked by the Ahlmad. Therefore, they were validly taken on record and the application filed by the petitioner was an attempt to delay the proceedings.

Learned counsel for the petitioner contends that the signatures of the Rent Controller are also forged and they are not genuine. The trial

Court has seen the signatures and has prima facie come to the conclusion that they are of the predecessor Court. It is not possible for this Court in exercise of powers of superintendence under Article 227 of the Constitution of India to interfere in this finding in absence of any evidence to this effect on record.

No merit.

Dismissed.

(VINOD K. SHARMA)
JUDGE

September 21, 2006
pj